



March 18, 2025

The Honorable Bob Morgan
Chairperson, House Health Care Licenses Committee
Illinois General Assembly
519-A Stratton Office Building
Springfield, IL 62706

RE: ATA ACTION COMMENTS IN SUPPORT OF HB 3402

Dear Chair Morgan and Members of the Health Care Licenses Committee,

On behalf of ATA Action, I am writing to you to express our support of HB 3402, which allows physical therapists to use their clinical judgment in determining when to treat a patient via telehealth and provides needed clarity and improvements to Illinois' telehealth framework for physical therapy.

ATA Action, the American Telemedicine Association's affiliated trade association focused on advocacy, advances policy to ensure all individuals have permanent access to telehealth services across the care continuum. ATA Action supports the enactment of state and federal telehealth policies to secure telehealth access for all Americans, including those in rural and underserved communities. ATA Action recognizes that telehealth and virtual care have the potential to truly transform the health care delivery system – by improving patient outcomes, enhancing safety and effectiveness of care, addressing health disparities, and reducing costs – if only allowed to flourish.

ATA Action believes that HB 3402 ensures patients will receive high-quality care while removing unnecessary barriers to telehealth access.

First, we strongly support the proposed amendments to the Illinois Physical Therapy Practice Act which, consistent with the Illinois Telehealth Act, will empower licensed physical therapists to conduct initial evaluations and treatment via telehealth, so long as an in-person examination is not clinically necessary. Without the amendments in HB 3402, Illinois will remain a national outlier in mandating in-person exams or a proof of hardship, even where it is not clinically necessary. ATA Action believes that so long as the provider obtains the patient's consent for the use of telehealth services, verifies the patient's identity, and discloses his or her own identity and credentials they should be able to use any appropriate telehealth modality that is sufficient to evaluate and treat the patient for the condition presented to establish a professional relationship with a patient.

This critical change brings Illinois back into alignment with the position of the [Federation of State Board of Physical Therapy](#), the organization that represents all the country's physical therapy regulatory boards. The FSBPT "Policy Recommendations for Appropriate Regulation" of Telehealth in Physical Therapy, passed in August 2023, endorses telehealth and makes clear "the provider-patient/client relationship may be established virtually between the physical therapist and patient/client" without any additional barriers such as proof of "hardship."

Further, in removing the burden for patients to prove a "documented hardship" – a burden the Illinois Telehealth Act sought to prevent when it passed in 2022 – the legislation respects patient choice and

ATA ACTION

901 N. Glebe Road, Ste 850 | Arlington, VA 22203
Info@ataaction.org



allows for telehealth in any circumstance where the patient wishes to receive virtual care and when the provider is capable of meeting the standard of care. Removing Illinois' current in-person mandate is particularly beneficial to those living in rural or underserved communities who may face significant barriers to in-person physical therapy. By leveraging telehealth, this legislation will improve the continuity of care, reduce transportation burdens, and enhance patient outcomes without compromising quality or safety of Illinois residents.

Second, ATA Action supports HB 3402's removal of confusing statutory language that deems telehealth an "exception" requiring clinical justification, without further explanation of what circumstances would allow for this exception to be used. If the standard of care can be met via telehealth, the provider wishes to offer care via telehealth, and the patient consents to telehealth care, then the physical therapy services should be allowed to be delivered via telehealth without determining if the circumstances are exceptional or not. We agree with the amendment that a patient receiving physical therapy care must be able to request in-person care. Patients should always have the right to choose how they receive care, whether in-person or delivered via telehealth.

Finally, ATA Action strongly supports that HB 3402 removes the mandate that physical therapists seeking to use telehealth must be able to provide in-person care within the State of Illinois. Requiring telehealth providers to also maintain a brick-and-mortar location is an unnecessarily restrictive burden on care. This barrier eliminates many of the cost-benefits of delivering telehealth care and the ability for some providers to deliver telehealth care altogether, particularly those in border communities. If the telehealth provider is licensed to practice in the state of Illinois, they should be able to provide care, regardless of the ability to provide in-person care. Further, in ensuring that physical therapists have the responsibility to refer the patient to in-person care where appropriate, the bill ensures patients continue to have the option for local hands-on treatment when needed.

HB 3402 appropriately recognizes the professional judgment of physical therapists in determining when virtual care is appropriate, while also upholding the integrity of patient care by ensuring the standard of care for telehealth services remains equivalent to that of in-person delivery

We appreciate your support for telehealth. Please let us know if there is anything that we can do to assist you in your efforts to adopt practical telehealth policy in Illinois. If you have any questions or would like to engage in additional discussion regarding the telehealth industry's perspective, please contact me at kzebley@ataaction.org.

Kind regards,

A handwritten signature in black ink, appearing to read "Kyle Zebley", written over a light gray circular background.

Kyle Zebley
Executive Director
ATA Action